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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,459	05/02/2001	Yuji Kawaguchi	0445-0300P	4434

2292 7590 01/29/2003

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

PICKETT, JOHN G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/846,459	KAWAGUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gregory Pickett	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 7 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Examiner acknowledges applicant's amendment as presented in Paper No. 7.  
Claims 1 and 3-7 are pending in the application.

***Election/Restrictions***

2. This application contains claim 7 drawn to an invention nonelected with traverse in Paper No. 7. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Specification***

3. Examiner's objection to the specification is hereby withdrawn.

***Claim Objections***

4. Examiner's objection to claim 1 is hereby withdrawn.

***Claim Rejections - 35 USC § 112***

5. Claims 4-6 were rejected under 35 U.S.C. 112, second paragraph. In light of the applicant's amendment, these rejections are hereby withdrawn.

***Claim Rejections - 35 USC § 102***

6. Claims 1-3 were rejected under 35 U.S.C. 102(b). In light of the applicant's amendment, these rejections are hereby withdrawn.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 3, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graybill (US 2,872,097) in view of Giblin et al. (US 5,320,279).

Regarding claim 1, Graybill discloses a paper container (20) having a hexahedral configuration, container main body (1, 2, 3, 4, and 4FB) with a lid member (P) and a hinged juncture (10) on a backside edge of container main body (1, 2, 3, 4, and 4FB). Lid member (P) is capable of selectively closing the upper open end surface. Graybill further discloses inner carton part (5, 6, B) and concave cut-out part (6N). In addition, Graybill discloses container main body (1, 2, 3, 4, and 4FB) and lid member (P) being formed by cutting severance guide lines (12, 8) by means of perforations (11). Graybill meets all limitations claimed by the applicant except:

Graybill does not disclose an inner carton part being mounted on an inner side of the container, which the examiner interprets as meaning separate from the container.

Giblin et al. discloses a container with an inner carton part that may be separate from the container (Col. 2, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container of Graybill with an inner carton part that is separate as taught by Giblin et al. in order to allow for the printing of separate material on the inner carton part. It has been held that constructing

a formerly integral structure in various elements involves only routine skill in the art.

*Nerwin v. Erlichman*, 168 USPQ 177, 179.

As to claim 3, Graybill discloses lock part (2', 2").

As to claim 5, the container of Graybill-Giblin as applied to claim 1 is capable of storing a packaged detergent; such a limitation constitutes an intended use.

As to claim 6, Graybill discloses a container as applied to claim 1 above. Graybill does not disclose a container for storing a sheet-like detergent, or a container main body, inner carton part, and lid member made from a moisture-proof material.

Giblin et al. discloses a container for concentrated detergent made from a moisture-proof material (Col. 2, ll. 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the container of Graybill with a moisture-proof material as taught by Giblin et al. for the obvious reason of protecting the contents from moisture. Further, the container of Graybill-Giblin is capable of storing a sheet-like detergent; such a limitation constitutes an intended use.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graybill in view of Giblin et al. as applied to claim 1 above, and further in view of Wood et al. (US 5,985,772).

The container of Graybill-Giblin, as applied to claim 1 above, meets all limitations claimed by the applicant except:

The container of Graybill-Giblin does not disclose a container wherein the paper material is formed of a paper base material, a printed layer, an outer colored film, or an inner film.

Wood et al. discloses a packaging material comprising a paper base material (240), a printed layer (220), an outer colored film (210), and an inner film (210). The outer film (210) and inner film (210) of Wood et al. consists of an aqueous borne acrylic coating having a natural color. The coatings can also be pigmented (Col. 8, ll. 16-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the container of Graybill-Giblin with a packaging material as taught by Wood et al. in order to protect the paper base material and printed matter from damage.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

*GP*  
Gregory Pickett  
Examiner  
January 14, 2003

  
Mickey Yu  
Supervisory Patent Examiner  
Group 3700